

0057-2362-2YY



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION. OF: :
SHIGENOBU MAEDA, ET AL. : GROUP UNIT: 2811
SERIAL NO.: 09/176,315 : EXAMINER: CRANE, S.
FILED: OCTOBER 22, 1998 :
FOR: METHOD OF DESIGNING :
SEMICONDUCTOR DEVICE,
SEMICONDUCTOR DEVICE AND...

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RESPONSE TO ELECTION OF SPECIES REQUIREMENT

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

SIR:

In response to the communication dated March 28, 2000, and further in response to the Election of Species Requirement contained therein. Applicants herein provisionally elect the species characterized in the Requirement as "[a] semiconductor device and method of designing the semiconductor device (claims 1-16, 18-19)" and further list Claims 1-16, 18, and 19 as readable thereon.

In addition, Applicants respectfully traverse the Election of Species Requirement for the reason that the two noted "species" are clearly not mutually exclusive embodiments contrary to what is indicated in MPEP §806.04(f) as follows:

Claims to be restricted to different species must be mutually exclusive. (Emphasis added.)

Here, the claim 17 does not exclude the subject matter of claim 1 because that subject matter is incorporated into claim 17 by its dependency on claim 1. Similarly, claim 20

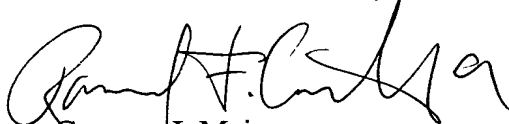
depends on claim 2 so it does not exclude that subject matter, instead it includes it.

Therefore, since the "species" being asserted here are clearly not mutually exclusive embodiments that preclude the features of one embodiment being used in the others, there are no species present that can be properly restricted based on the requirements of the MPEP and, accordingly, the Requirement is traversed as noted based on the authority delegated by the Commissioner to the Examining Corps.

Consequently, it is urged that the present Requirement should be withdrawn as being improper and that an Action on the merits as to all pending claims should be forthcoming.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Gregory J. Maier", is written over the printed name.

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AND RELATED FEDERAL AND ITC LITIGATION



Docket: 0057-2362-2YY

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

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Filed: OCTOBER 22, 1998
Applicant: SHIGENOBU MAEDA, ET AL.
For: METHOD OF DESIGNING
SEMICONDUCTOR DEVICE,
SEMICONDUCTOR...

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Attached hereto for filing are the following papers:

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Our check in the amount of \$ - 0 - is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate of this sheet is enclosed.

Respectfully submitted,

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